

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

04 SEP 10 AM 10:54  
FILED

LENORE MILLER, HENRY JENKINS, )  
STUART APPLEBAUM, and DONALD )  
R. HOPKINS, as Trustees and Fiduciaries )  
of the RETAIL, WHOLESALE AND )  
DEPARTMENT STORE INTERNATIONAL )  
UNION AND INDUSTRY PENSION FUND, )

Plaintiffs, )

v. )

BROUGHTON FOODS, LLC d/b/a )  
BROUGHTON FOODS COMPANY, )

Defendant. )

**ENTERED**

SEP 10 2004

CIVIL ACTION NO. 02-JEO-2752-S

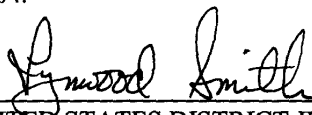
**MEMORANDUM OPINION**

The defendant filed a motion seeking a partial summary judgment in this matter on the claims of the plaintiffs for contributions on behalf of Broughton Foods employees who were not members of the Retail, Wholesale and Department Store International Union. (Doc. 16). The magistrate judge entered a report and recommendation finding that the motion was due to be granted on August 16, 2004. (Doc. 34). No party has filed an objection to the court's recommendation.

The court has considered the entire file in this action together with the Magistrate Judge's Report and Recommendation and has reached an independent conclusion that the Magistrate Judge's Report and Recommendation is due to be adopted and approved. The court hereby adopts and approves the findings and recommendation of the magistrate judge as the findings and conclusion of the court. In accord with the recommendation, the defendant's motion for partial summary judgment is due to be granted to the extent that it seeks a judgment on the plaintiffs'

claims concerning contributions into the Retail, Wholesale Department Store International Union and Industry Pension Fund on behalf of non-union employees of Broughton Foods. An appropriate order will be entered.

**DONE**, this 10<sup>th</sup> day of September, 2004.

  
UNITED STATES DISTRICT JUDGE